

Verizon Wireless 60-Day Eligible Facility Request Modification of Existing Wireless Base Station

Request Date: March 28, 2025

Jurisdiction: Routt County

Departments: Building Department

Site Address: 31800 CR 14C

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This document serves as Verizon Wireless’s eligible facilities request to modify an existing wireless base station at the above-referenced site address. This eligible facilities request must be approved administratively under Section 6409 of the federal Spectrum Act and Federal Communications Commission (“FCC”) rules. Review by the Routt County is limited to determining whether the proposed modification qualifies as an eligible facilities request that does not substantially change the physical dimensions of the wireless base station. All permits necessary to commence construction must be approved within 60 days of the request date set forth above, subject to tolling for incompleteness.

For this request, Verizon Wireless attaches the following applications for all the permits required by the Routt County to commence construction of the modification:

1. Building permit

Verizon Wireless hereby requests that the Routt County immediately provide a quote of application fees and payment options, which Verizon Wireless will pay promptly. Any delay by the Routt County in quoting application fees or providing payment options will not toll today’s commencement of the 60-day period.

Project Description

The existing wireless facility owned by Verizon Wireless was originally permitted through permit numbers PP2002-043 issued January 16, 2003 and B-03-013 issued by the Routt County on January 30, 2003. As currently installed, the facility consists of a screened rooftop cupola on the barn along with a base station equipment room and outdoor diesel generator. There are three (3) sectors of antennas within the cupola and

one (1) microwave antenna located on the building's north façade. The antenna installation consists of consisting of nine (9) antennas, three (3) per sector. The base station equipment room is located within the building and the generator is within a fenced enclosure outside of the structure.

To accommodate new wireless technologies, Verizon Wireless proposes to remove and replace all nine (9) existing antennas located within the cupola with six (6) upgraded models, two (2) at each sector, along with six (6) remote radio heads and one (1) over voltage protection unit (OVP). Cabling associated with the antennas within the cupola and the microwave antenna will be removed and upgraded. Additionally, installed within the cupola will be nine (9) new exhaust fans mounted below the radios along with an aerial temperature monitor and an aerial noise sensor. Three (3) exhaust roof vents as well as two (2) new stationary louvers will be installed with the color to match the cupola. Within the equipment room two (2) racks and outdated existing equipment will be removed, a new upconverter will be installed and a new BBU unit will be installed along with base station equipment to support the OVP and sensors installed within the cupola. A new 5 Amp breaker will be added to the A/C panel for the aerial fan controller and one (1) new battery string will be installed. No additional changes are proposed for the modification.

FCC Rules for Eligible Facilities Requests

The Spectrum Act states that “a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”¹ An “eligible facilities request” is defined to include any collocation, removal, or replacement of existing equipment.²

The FCC adopted rules providing legally binding guidance on key terms of the Spectrum Act, notably defining “substantial change” with the six thresholds described below.³ The FCC requires that qualifying eligible facilities requests be approved within 60 days, subject to tolling for incompleteness.⁴ The 60-day period begins when an applicant takes the first procedural step required by a local government, and submits written documentation.⁵ The only submittal documents a local government can require are those relevant to determining if a proposed modification qualifies as an eligible facilities request.⁶ If a local government does not render a decision within the 60-day period, an eligible facilities request can be deemed granted by operation of law.⁷

The Proposed Modification Does Not Constitute a “Substantial Change”

Below are the FCC's six “substantial change” thresholds for a wireless base station,⁸ each followed by an explanation that the proposed modification does not exceed that threshold.

- 1) It increases the height of the structure by more than 10% or more than ten feet, whichever is greater.

The proposed modification complies with this eligible facility request requirement and does not create a substantial change to the facility.

The enclosed cupola structure will remain with antennas fully enclosed. Elevation details are shown on page A-3 of the site plan drawings attached with this submittal.

- 2) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.

The application conforms to this requirement for an eligible facility request. No additional protrusions to the edge of the structure are proposed for these modifications.

- 3) It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four; or, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

No additional equipment cabinets are proposed for this modification as shown on page A-4 depicting the existing and new plans within the equipment room. The application meets this requirement for an eligible facility request.

- 4) It entails any excavation or deployment outside the current site (as defined at 47 C.F.R. § 1.6100(b)(6)).

This eligible facility request application meets this requirement. No excavation is proposed for the modifications. Deployment of the equipment is within the current site as defined by the statute.

- 5) Would defeat the concealment elements of the eligible support structure.

No changes are proposed to the façade mounted microwave antenna which is currently painted to match the structure. The venting changes to the cupola will be painted to match the structure. The application conforms to this requirement for an eligible facility request.

- 6) Does not comply with conditions associated with the siting approval of the construction or modification of the existing facility, unless the non-compliance is due only to a change in height, width, etc., that does not exceed the first four thresholds.

There are no prior conditions of approval that would render the modification to be non-compliant, aside from any conditions that would be preempted by the first four “substantial change” thresholds.

In sum, the modification clearly qualifies as an “eligible facilities request” under the Spectrum Act and FCC rules, because it does not exceed any of the thresholds such that it would “substantially change” the physical dimensions of the existing wireless base station. Failure to process this eligible facility request and approve all necessary permits within 60 days may result in the request being deemed granted by operation of law.

¹ 47 U.S.C. § 1455(a)(1).

² 47 U.S.C. § 1455(a)(2).

³ *See* Report and Order FCC 14-153, 29 FCC Rcd. 12865 (FCC October 17, 2014); *see also* Report and Order FCC 20-153, 85 FR 78005 (FCC October 27, 2020).

⁴ *See* 47 C.F.R. § 1.6100(c)(2), (3).

⁵ Declaratory Ruling 20-75, 35 FCC Rcd 5977, ¶ 16 (FCC June 9, 2020).

⁶ *See* 47 C.F.R. § 1.6100(c)(1).

⁷ *See* 47 C.F.R. § 1.6100(c)(4).

⁸ *See* 47 C.F.R. § 1.6100(b)(7).